

The specification is objected to as including insufficient exemplary matter to support claims to an antibody produced by a hybridoma that is not selectively defined by the parameters of the disclosures, as for example set forth in Claim 1. plus the matter in claims 23 and 24.

Claims ~~1-3~~ ²² ~~are~~ rejected under 35 USC 112 (par. 1) as being broader than the disclosure in reading essentially on any T cell antibody now known or as may be developed in the future by any means. ~~There~~ is no evidence that the antibody as now claimed in fact differ in kind from all antibodies to T cells.

Claim 22 is further rejected under 35 USC 112 (par. 2). The claim is not understood since it is not known what is intended by "mouse monoclonal antibody".

The claims are rejected under 35 USC 102(a) as being known and used by others before the invention by applicants as evidenced by the Kennett report on research that is publicly available in the SSIE data bank.

Herzenbeg is also cited to further show the state of the art.

Applicants have not complied with all of the requirements of In re Argoudelis et al 168 USPQ 99. Applicants are required to ~~have~~: (1) That all restrictions on the availability of the culture deposit to the public will be irrevocably removed on the granting of the patent, and (2) that the culture will be maintained by the deposit or throughout the effective life of the patent.

The claims are rejected on the basis of double patenting as unpatentable over the claims of copending application No. Sn. 22,132. It is not seen that there is any difference in kind between the antibodies produced herein and those of the

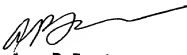
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compending application. The only differences appear to be
some functional claim language.

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Art Unit 125